

APPLICANT:

Memran

EXAMINER: Trost

SERIAL NO.:

10/002,382

ART UNIT: 2683

FOR:

System for Utilizing Vacuum Tubes In Computer Audio Circuitry

FILED:

10/20/01

DECLARATION OF APPLICANT IN SUPPORT OF PETITION TO MAKE SPECIAL PURSUANT TO MPEP - 708.08(II) AND 37 C.F.R. 1.102

Mail Stop Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

PECEIVED JUN 0 6 2003

Dear Sirs:

Technology Center 2000

- 1, Louis I. Memran, do hereby declare and aver as follows:
- 1. I am the Applicant in the above-referenced matter.
- 2. I have observed and studied the website AOPEN.COM which is owned by AOPEN.COM, INC. of Taiwan. Pertinent pages of the AOPEN.COM website are attached as Exh. A herewith.
- 3. I have carefully reviewed this material concerning the AOPEN motherboard, termed by AOPEN "the world's first vacuum motherboard, called AX4B-533 Tube," as may be seen at Page 3 of Exh. A herewith.
- 4. A photograph of the AX4B-533 tube motherboard appears as the last page of said Exh. A.

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- 5. Attached as Exh. B herewith is a photograph, which I took of the original motherboard of the AOPEN.COM motherboard which I ordered online and received at my home in Florida.
- 6. Attached as Exh. C herewith is the motherboard of Exh. B, however, with certain components removed so that the "trace" of the motherboard, that is, circuitry connections thereof can be ascertained.
- 7. Attached as Exh. D herewith is an enlarged view of the left hand side of Exh. C. Therefrom may be seen the AX4B-533 vacuum tube, a six volt heater supply, a sound chip, a non-inverted output, an analog input, a capacitator 16, a resistor 14, and the DC/DC converter high voltage output of the AOPEN motherboard.
- 8. As Exh. E, I have created a schematic of the above-described components and trace connections associated therewith of the portion of the motherboard shown in Exh. D. I have also associated therewith the reference numerals for respective components which correspond to the reference numerals used for corresponding components within my Application Serial No. 10/002,382.
- 9. Attached as Exh. F herewith is Fig. 3 of my pending application. As may be noted therefrom, all functional elements which appear in Fig. 3 of my patent application have a corresponding element and substantially identical respective electrical communications to the AOPEN motherboard. More particularly, each have a DC-to-DC converter 12 with high voltage output which feeds into a vacuum tube 10, the grid of which is in electrical communication with sound chip 18. Said sound chip, in the circuits of Exhs. E and F, each have a digital input/output and an analog output which is in electrical communication with said grid of the vacuum tube 10. Also, in each circuit, the

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cathode of the tube 10 is in electrical communication with a resistor 14 and capacitator 16 which, in each case, constitutes the non-inverted output of the system.

- 10. Also of note is that the AOPEN motherboard employs a AX4B-553 tube while, at the last line of Page 4 of my application, I suggest, as one option, the use of a 12 AX7 vacuum tube. As such, it is evident that AOPEN has used a vacuum tube of a type suggested in my pending application.
- 11. It is also apparent from the AOPEN literature of Exh. A that the function of their motherboard is the same as that of my system, namely, to provide a computer audio circuit having the audio fidelity associated with classical vacuum tube technology. As above set forth relative to the comparison of Exhs. E and F, this is accomplished by AOPEN in substantially the same fashion as is suggested in Fig. 3 of my patent application.
 - 12. I declare the above to be true upon penalty of perjury.

MEMRAN

DATE